

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**ROYAL BENSON, M.D. and BENSON
OB/GYN CENTER, P.A.,**

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Plaintiffs,

V.

CIVIL ACTION NO. H-04-4323

**ST. JOSEPH REGIONAL HEALTH
CENTER, et al.,**

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Defendants.

MEMORANDUM AND ORDER

Pending before the Court is Defendant's Rule 54(b) Motion for Entry of Final Judgment (Doc. No. 355). It is this Court's general practice to delay consideration of any attorneys' fees issues until a resolution on the merits has been reached. Then, the fees issues are resolved prior to entry of a final judgment. Thus, because a final resolution on the merits has now been reached in this case, the Court will permit Defendants to make a separate motion for attorney's fees on or before **Wednesday, September 5, 2007**, if they so desire. Final judgment will not be entered until all fees issues are decided.

Thus, Defendant's Rule 54(b) Motion for Entry of Final Judgment is **DENIED**.

IT IS SO ORDERED.

SIGNED this 22nd day of August, 2007.

Keith P. Ellison
KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER SHALL
FORWARD A COPY OF IT TO EVERY OTHER PARTY AND AFFECTED NON-PARTY
EVEN THOUGH THEY MAY HAVE BEEN SENT ONE BY THE COURT